IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 572 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAURAB KANTILAL RAVAL

Versus

KHEDA TELEPHONE DISTRICT

Appearance:

PARTY-IN-PERSON for Petitioner

MS PJ DAVAWALA for Respondent No. 1, 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 10/02/2000

ORAL JUDGEMENT

The petitioner party-in-person who is absent, has preferred this petition seeking direction on the respondent Kheda Telecom District and the Chief General Manager for his telephone connection and for ensuring that his telephone should not stop working in future. Other sundry reliefs are also sought for preventing the

respondents from recovering Rs. 100/- as rental and for adjusting a sum of Rs. 200/- recovered under bill dated 1.11.1998 towards future dues. A direction is also sought that the respondents should not recover the rental of Rs. 200/- in respect of telephone connection of the petitioner.

In the affidavit in reply the respondents have stated that on 17.12.1998 at 1.30 p.m. the department had received a complaint of non-working of the petitioner's telephone and on that day at 3.45 p.m. the telephone was in working condition. It is stated that the petitioner's telephone was never in non-working condition for more than seven days. It is further stated that the petitioner is having parallel connection of telephone against rules. The place at which the telephone is installed is a farm house of the petitioner and one line is kept outside the locked room, contrary to rules. It was found that due to inadvertence of the watchman of the petitioner the telephone was not working on some occasions. It is stated that on 12.5.1999 six span wire was also changed to meet with the complaints. It is stated that the petitioner's telephone was disconnected on 15.6.1999 for non-payment of bills dated 11.7.1997 and 1.1.1999. It appears that during the pendency of this petition an order was made on 2.7.1999 directing the telephone connection to be restored on the petitioner's depositing a total sum of Rs. 410/- plus reconnection charges of the two bills by 5.7.1999. It is stated by the learned counsel for the respondents that the telephone connection has accordingly been restored. In view of what has been stated hereinabove, there is no warrant for interference with the earlier disconnection in respect of which the petitioner could have resorted to departmental remedies. The petition is therefore rejected. Rule is discharged with no order as to costs.

(R.K. ABICHANDANI, J)
(pkn)